

REMARKS

Claim 1 has been amended in essence to delete the reference to “a divalent aromatic group or a divalent organic group having a hetero atom which is not sulfur atom or oxygen atom” with regard to R⁶ and R⁷. Claim 13 has been amended to delete the reference to “phenylene group or methylphenylethylene group.” Claims 1-21 are pending.

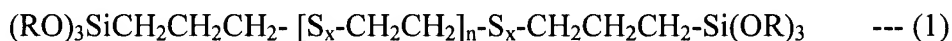
Response to Claim Rejections Under § 103

Claims 1-21 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,663,226 to Scholl et al. Applicants respectfully traverse.

Regarding presently claimed formulae (III) and (IV), the Examiner asserts that “the data which discloses R⁶ and R⁷ as being hexylene or decylene is not reasonably commensurate in scope with the claimed R⁶ to R¹⁰ groups that can also be divalent aromatic groups or divalent hetero atom-containing groups. There is nothing on the record to show that hexylene or decylene is functionally equivalent to divalent aromatic groups or divalent hetero atom-containing groups.”

In view of the Examiner’s position, and to advance the prosecution, Applicants have amended the recitation for R⁶ and R⁷ in Claim 1 as discussed above.

Scholl discloses the following formula (1):



wherein R = CH₃, C₂H₅, x=1-6, n=1-10.

Scholl further discloses Examples 1 to 7, wherein Examples 1, 4 and 5 represent n = 1, Examples 2, 6 and 7 represent n = 2 and Example 3 represents n = 5. Scholl does not disclose an

example wherein $n = 3$. Thus, Scholl does not disclose general formula (IV) of this invention in particular.

In addition, Table B of the Supplemental Declaration under 37 C.F.R. § 1.132, filed December 29, 2009, shows the following compound as Example 9'.

SE11: The compound of Synthesis Example 6 of the present invention:



Accordingly, Applicants' comparison of Example 9' (SE11) with Examples 2, 6 and 7 of Scholl is proper in view of the fact that Scholl has no example wherein $n = 3$. In this regard, Example 9' (SE11) in Table B of the Supplemental Declaration exhibits much better abrasion resistance as compared to Examples 2, 6 and 7 of Scholl.

As for general formula (II) in Claim 13, the Examiner further states "[c]oncerning claim 13, the data in Table A is insufficient to establish unexpected results because the data which discloses R^5 that is decylene is not reasonably commensurate in scope with the claimed R^5 that can also be phenylene. There is nothing on the record to show that decylene is functionally equivalent to phenylene."

The phrase "phenylene group or methylphenylethylene group" has been deleted from R^5 in Claim 13. Thus, the data in Table A is commensurate in scope with the present claims.


Moreover, as for the remarkable effects of the "decylene group" in general formula (II) of Claim 13, Scholl discloses only ethylene, butylene and hexylene in Examples 1, 4 and 5. Example 2 (SE2) in Table A of the second declaration shows much better abrasion resistance than Examples 1, 4 and 5 of Scholl.

Thus, Scholl fails to render obvious the present claims. Accordingly, withdrawal of the rejection is respectfully requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Thomas M. Hunter
Registration No. 64,676

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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